

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL SPURGEON, JR.,

Plaintiff,

v.

ERIC GOODMAN,

Defendant.

Case No. 2:12-CV-00719-KJD-GWF

ORDER

Before the Court for consideration is the Report & Recommendation (#2) of Magistrate Judge George Foley, Jr., recommending that this action be dismissed with prejudice. No objection to the Report and Recommendation has been filed.

The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. Based on its review, the Court agrees with the Magistrate Judge's determination that the complaint be dismissed with prejudice because it fails to state a claim upon which relief can be granted. .

IT IS HEREBY ORDERED THAT the Report & Recommendation (#2) of the United States Magistrate Judge, should be **ADOPTED and AFFIRMED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

DATED this 16th day of January 2013.



Kent J. Dawson
United States District Judge